

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
OCTOBER 14, 2015**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B, 1035 1st Ave W, Kalispell, Montana. Board members present were Kevin Lake, Ron Schlegel, Dean Sirucek, Jim Heim, Jeff Larsen, Mike Horn and Greg Stevens. Marie Hickey-AuClaire and Tim Calaway had excused absences. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 19 people in the audience.

**APPROVAL OF
MINUTES
6:01 pm**

Stevens made a motion, seconded by Horn to approve the September 9, 2015 meeting minutes.

On a roll call vote the motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)
6:01 pm**

None.

**LESTER-
FREDENBERG
(FZC-15-04)
6:02 pm**

A Zone Change request in the Highway 93 North Zoning District by Sands Surveying, on behalf of Megan R. Lester and Mark & Susan Fredenberg. The proposal would change the zoning on parcels containing approximately 81.55 acres from SAG-10 (Suburban Agricultural) to R-2.5 (Rural Residential). The subject parcels are located at 2280 and 2288 Whitefish Stage can legally be described as follows:

Tract A (Lester): Tract 1 of Certificate of Survey No. 19632, located and being in the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (aka Tract 6 & Tract 6AA)

Tract B (Frendenberg): Parcel 1 of Certificate of Survey No. 15652, located and being on the Southeast Quarter of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (aka Tract 6B)

STAFF REPORT

Mack reviewed Staff Report FZC-15-04 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Erica Wirtila, Sands Surveying, gave a history of the property and the reason for the zone change which was long range estate planning. They chose R-2.5 zoning because it was defined as a transitional zone and for the density it allowed. There were several lots in the area which were comparable, there were no immediate plans for subdivision and the zone change was for estate planning. She also explained the location of the property to roads and possible easements for future road growth. She was available for questions.

Scott Lester, applicant, said there was one more immediate need for the zone change which was the sale of the house on the property to the Fredenbergs for their son to live in by a boundary line adjustment. Now, both houses sat on a 15 acre tract to be subdivided by family transfer. The Fredenbergs would like their son to have his own mortgage and property. They had originally thought about a zone change to SAG-5 but decided R-2.5 was a better fit in the long term plan for the area. He and his wife had subdivided, since their application, their portion of the property through family transfers which was in compliance with the 10 acre zoning and had no immediate plans to make use of 2.5 acre zoning. They would like to obtain the 2.5 zoning now because it made more sense for the land and for long term estate planning purposes.

**BOARD
QUESTIONS**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Larsen confirmed there was no written comment received on this application.

Debbie Street, 1400 Rose Crossing, spoke in favor of the project.

**STAFF
REBUTTAL**

None.

**APPLICANT
REBUTTAL**

None.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC-15-04)**

Stevens made a motion seconded by Sirucek to adopt staff report FZC-15-04 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-15-04)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZC-15-04)**

Heim made a motion seconded by Schlegel to adopt Staff Report FZC-15-04 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ASK THE
QUESTION**

Horn asked the question.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZC-15-04)**

On a roll call vote the motion passed 6-1 with Sirucek dissenting.

**PENSCO TRUST
COMPANY AND
DAVID KNAUPP
(FZC-15-05)
6:13 pm**

A Zone Change request in the Highway 93 North Zoning District by Marquardt Surveying, on behalf of Pensco Trust Company and David E. Kaupp. The proposal would change the zoning on four (4) parcels containing approximately 33.73 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural). The subject parcels are located south of Tronstad Road and west of Sirucek Lane and can legally be described as follows:

Tract 1: Parcel A of Certificate of Survey No. 10122, a tract of

land located in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (aka Tract 1)

Tract 2: Parcels A, B & C of Certificate of Survey No. 20051 in the N ½ NW ¼ of Section 19 and the S ½ SW ¼ of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (aka Tract 1H, 1G, 1J, 1E & 1)

STAFF REPORT Mack reviewed Staff Report FZC-15-05 for the Board.

**BOARD
QUESTIONS** None.

**APPLICANT
PRESENTATION** Dawn Marquardt, Marquardt Surveying, represented the applicant. She gave a history of who had owned the land and the reason for the zone change which was to give property to family members. She reviewed the tracts of land around the property, their acreage, and the quality of access to the property. She was available for questions.

**BOARD
QUESTIONS** None.

**AGENCY
COMMENTS** None.

**PUBLIC
COMMENT** Larsen confirmed there had been no written comment received.
No public rose to speak.

**STAFF
REBUTTAL** None.

**APPLICANT
REBUTTAL** None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC-15-05)** Stevens made a motion seconded by Schlegel to adopt staff report FZC-15-05 as findings-of-fact.

**BOARD
DISCUSSION** Lake asked if finding of fact # 6 needed to be changed which concerned if the property could be further subdivided.

Schlegel said he thought it would need to be changed.

The board and Mack briefly discussed alternate wording for the finding.

**SECONDARY
MOTION TO
(Amend F.O.F. #6)**

Lake made a motion seconded by Horn to amend finding of fact #6 to read:

6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-5 designation and the lot could ~~not~~ be further subdivided under the proposed zoning.

**BOARD
DISCUSSION**

None.

**ASK THE
QUESTION**

Horn asked the question.

**ROLL CALL TO
(Amend F.O.F #6)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-15-05)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZC-15-05)**

Schlegel made a motion seconded by Lake to adopt Staff Report FZC-15-05 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND**

On a roll call vote the motion passed unanimously.

**APPROVAL OF
(FZC-15-05)**

**BOARD
DISCUSSION**

Larsen reviewed the process the application would follow from this point on.

Marquardt and Mack briefly discussed how to address the continuity of changing the finding of fact with the rest of the recommendation.

**EVERGREEN
ENTERPRISE
ZONING
OVERLAY
(FPMA-15-04)
6:23 pm**

1. A publicly initiated, three-part plan amendment to the *Kalispell City-County Master Plan Year 2010* proposed by the Flathead County Planning Board at the request of the Evergreen Chamber of Commerce. The first part of the proposed amendment is adoption of an addendum to the *Kalispell City-County Master Plan Year 2010* entitled *2016 Evergreen Enterprise Area*. The addendum supplements the text, goals, policies and maps found in the *Kalispell City-County Master Plan Year 2010* but is only applicable to a limited area of the plan. A map showing the area covered by the addendum is included with the addendum as Attachment A. The area covered by the proposed can also be described as follows:

- Those areas presently zoned B-2 General Business or B-3 Community Business within 1,500' of U.S. Highway 2 in Evergreen, Montana, beginning at the intersection with Woodland Park Drive on the west and continuing east, then north to the intersection with Rose Crossing;
- Those areas presently zoned B-2 General Business or B-3 Community Business within 1,500' of MT Highway 35 in Evergreen, Montana, beginning at the intersection with U.S. Highway 2 on the west and continuing east to the intersection with Helena Flats Road;
- Those areas presently zoned B-2 General Business or B-3 Community Business within 1,500' of West Reserve Drive in Evergreen, Montana between the intersection with Cheery Lynn Road on the west and U.S. Highway 2 on the east.

The second part of the proposed amendment to the *Kalispell City-County Master Plan Year 2010* is an amendment of the future land use classification map contained within the plan. The

amendment to the *Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010* will add Commercial land use classification to the same areas as described above and as shown on Exhibit B of the addendum to reflect zoning map amendments that have occurred since the *Kalispell City-County Master Plan Year 2010* was adopted in 1986. The third part of the proposed amendment to the *Kalispell City-County Master Plan Year 2010* is a second amendment to the *Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010* to overlay the Evergreen Enterprise Commercial land use classification set forth in the addendum in the Commercial land use classification in the same areas as described above and as shown on Exhibit C of the addendum.

STAFF REPORT Grieve reviewed Staff Report FPMA-15-04 for the Board.

BOARD QUESTIONS Sirucek and Grieve discussed if there was a change to the signage restrictions and if the existing B-2 and B-3 zoning would change.

AGENCY COMMENTS None.

PUBLIC COMMENT Larsen confirmed no additional written public comment had been received since the staff report had been written. He asked Grieve to review the comments.

Grieve confirmed no new comments had been received.

Erica Wirtila, Northwest Montana Association of Realtors, spoke in favor of the application. She had kept track of realty sales in the proposed overlay. The commercial brokers she had consulted said there would not be a big jump in real estate sales, but there was more activity on the property with inquiries and site visits. She did not have figures on dollars generated, but they were very much in support of making the overlay permanent.

Charles Eble, 303 Hilltop Avenue, president of the Evergreen Chamber of Commerce, gave a history of why the temporary overlay was put into place originally which was to proactively stop business blight in the area. The benefits included positive change, fears had been allayed, more flexibility for businesses and more jobs. They were in favor of the application.

TJ Wendt, business owner at 2129 Highway 2 E, reminded the board the criteria which had been set at the beginning. Two of those criteria concerning vacancy rates and positive impact made had been met. There were two new occupancies which would not have been possible without the zoning overlay and he reviewed projects which were in the works. The overlay appeared to accomplish what it was intended for and more. He spoke about the advantage of the overlay with businesses related to the new rail park. He encouraged the board to recommend approval to the commissioners on this application.

BJ Lupton, 704 Country Way, owned a business in Evergreen and was the immediate past president of the Evergreen Chamber of Commerce. He spoke about his support of and the spirit of the overlay. He read the mission statement of the Evergreen Chamber of Commerce which represented the spirit of what they were trying to accomplish. He wanted to thank BJ Grieve and the Planning Office, the Planning Board and the Chamber for their work on the project. He believed this was a great tool. In his years of presidency of the Chamber of Commerce, not once had he heard anyone speak negatively about this planning tool. He recounted the times people had commented on the overlay to him. He appreciated the board's time and hoped they recommended approval to the commissioners.

Bev Farris, 144 Palmer Drive, Executive Director of Evergreen Chamber said there had been a lot of interest in the overlay. They had held a meeting which they sent out over 600 notices for which had been very positive. The chamber represented over 500 businesses in the Evergreen area. The businesses paid taxes and employed residents and had a positive impact in the community. The chamber was a little over three years old and they were just getting started with what they wanted to do in the community. This overlay would make things better in the community. They saw nothing but positive from this overlay. She wanted to thank BJ Grieve for his work on the project.

Craig Witte, 131 Collier Lane, said the overlay was a major property rights issue. Businesses could be done with a Conditional Use Permit. What the overlay did was do a blanket where the businesses were okay. He gave an example of bureaucracy he had encountered in the past with a sign he wanted to place on his property. The approval of the overlay would get rid of some of the bureaucracy.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FPMA-15-04)**

Stevens made a motion seconded by Schlegel to adopt staff report FPMA-15-04 as findings-of-fact.

**BOARD
DISCUSSION**

Stevens said this had been a great effort by the Flathead County Planning Office and the people from Evergreen. The results have shown up. He realized the problems the land use regulations could cause for the business community. Variances were suggested, however they were not always easy to approve. It was the same thing with conditional use permits. Congratulations to the Evergreen Chamber and the Planning Office. This was almost a highlight for him. It had almost taken two years to bring the project to this point. It sounded like everyone was on board with the overlay.

Schlegel said he was with Stevens. For him, this was exciting. To see how it was first put together and then how it came out it made him feel really good for the people who had worked so hard on the project.

**ROLL CALL TO
ADOPT F.O.F.
(FPMA-15-04)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FPMA-15-04)**

Schlegel made a motion seconded by Heim to adopt Staff Report FPMA-15-04 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FPMA-15-04)**

On a roll call vote the motion passed unanimously.

**EVERGREEN
ENTERPRISE
OVERLAY
(FZTA-15-02)**

A publicly initiated text amendment to the *Flathead County Zoning Regulations* proposed by the Flathead County Planning Board at the request of the Evergreen Chamber of Commerce. The proposed text amendment will create a new overlay use district entitled *EEO Evergreen Enterprise Overlay* and add the new overlay use district to the *Flathead County Zoning Regulations* as Section 3.50. The general character of the proposed *EEO Evergreen Enterprise Overlay* is a use district to diversify allowable businesses and encourage infill development along the Evergreen highway commercial corridor by overlaying B-2 General Business or B-3 Community Business zoning districts with one additional permitted use. The permitted use that is proposed is #25 from the current list of permitted uses in the I-1 Light Industrial use district and will appear as follows:

1. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
 - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
 - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment; and boat building.
 - C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
 - D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
 - E. Storage and warehousing such as mini-storage, boat and vehicle storage.

All other provisions of the underlying B-2 and B-3 use districts, as applicable, will apply. The *EEO Evergreen Enterprise Overlay* use district will also be added to the list of use districts found in Section 3.01.020 of the *Flathead County Zoning Regulations* as part of this text amendment. Please note that this agenda item is

a text amendment to the *Flathead County Zoning Regulations*. A separate hearing must be held on a map amendment to apply the proposed overlay use district to any particular area or properties in Flathead County.

STAFF REPORT	Grieve reviewed Staff Report FZTA-15-02 for the Board.
BOARD QUESTIONS	None.
AGENCY COMMENTS	None.
PUBLIC COMMENT	<p>Larsen confirmed there was no additional written comment received. He asked Grieve to review the comments received.</p> <p>Grieve reviewed the comments for the board.</p> <p>No public rose to speak.</p>
STAFF REBUTTAL	None.
MAIN MOTION TO ADOPT F.O.F. (FZTA-15-02)	Schlegel made a motion seconded by Sirucek to adopt staff report FZTA-15-02 as findings-of-fact.
BOARD DISCUSSION	None.
ROLL CALL TO ADOPT F.O.F. (FZTA-15-02)	On a roll call vote the motion passed unanimously.
MAIN MOTION TO RECOMMEND APPROVAL OF CONDITIONS (FZTA-15-02)	Heim made a motion seconded by Sirucek to adopt Staff Report FZTA-15-02 and recommend approval to the Board of County Commissioners.
BOARD DISCUSSION	None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZTA-15-02)**

On a roll call vote the motion passed unanimously.

**EVERGREEN
ENTERPRISE
ZONING
OVERLAY
(FZD-15-02)
7:13 pm**

A publicly initiated overlay zoning district proposed by the Flathead County Planning Board at the request of the Evergreen Chamber of Commerce to apply the *EEO Evergreen Enterprise Overlay* (Section 3.50 of the *Flathead County Zoning Regulations*) zoning district to the areas currently zoned B-2 General Business or B-3 Community Business along the highway commercial corridor in Evergreen, Montana. The boundary of the proposed *EEO Evergreen Enterprise Overlay* zoning district is overlaying all existing B-2 General Business or B-3 Community Business zoning in the Evergreen and Willow Glen Zoning Districts within 1500' of U.S. Highway 2 East beginning on the west side at Woodland Park Drive and extending east and north to the intersection with Rose Crossing, all existing B-2 General Business or B-3 Community Business zoning in the Evergreen and Willow Glen Zoning Districts within 1500' of MT Highway 35 beginning on the west at the intersection with U.S. Highway 2 East and extending east to the intersection with Helena Flats Road, and all existing B-2 General Business or B-3 Community Business zoning in the Evergreen Zoning District within 1500' of MT Highway 548 (West Reserve Drive) beginning on the east side at the intersection with U.S. Highway 2 East and extending west to a point just east of the intersection with Cheery Lynn Road. The general character of the proposed *EEO Evergreen Enterprise Overlay* zoning district is a zoning district to diversify allowable businesses by adding "light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic" to the existing zoning thereby encouraging infill development and broader utilization of existing services and infrastructure along the Evergreen highway commercial corridor.

STAFF REPORT

Grieve reviewed Staff Report FZD-15-02 for the Board.

**BOARD
QUESTIONS**

Sirucek and Grieve discussed the break in the Evergreen Overlay on the map and what was located in the break which was a trailer park. They discussed if there was a possibility for continuity along the whole corridor and why that was not a

possibility and counter to what had been processed so far. The property owners could come in for a zone change to become part of the overlay and they talked about what the process would be to achieve that outcome.

The board and Grieve discussed at length the zones and process.

Grieve briefly reviewed the comment received and said no further comments had been received since the meeting packets had been sent to the board.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZD-15-02)**

Horn made a motion seconded by Sirucek to adopt staff report FZD-15-02 as findings-of-fact.

**BOARD
DISCUSSION**

Stevens said the reason he had asked Grieve to repeat during his staff report the part about three components of the 1986 Kalispell City-County Master Plan which were the future land use map, text of the plan and the goals and policies contained within the plan was precisely for the question Sirucek asked about the break in the map in the color of the overlay. It was his contention for a long time that the colors on the master plan maps were not zoning maps. The goals, the policies, all the text of the growth policy or master plan were considered in addition to the color on the maps. You could not take the color on the map and say the property had to be zoned what the color indicated. Everything needed to be taken into consideration including what was happening in the area. That was why there was so much B-2 and B-3 in the residentially colored areas on the map. Earlier planning offices in the county would take into consideration the actual facts and what was surrounding the property. If the board was to use the language which was in the '86 plan, and a property owner came in from the area in which the break in the overlay occurred, it was his view the owner would not have to ask for a master plan amendment or growth policy amendment. Those amendments were very expensive to obtain. The owner could go in and just ask for a zone change. If

the board and staff looked at the property and agreed the zone change made sense they could go ahead and do a zone change without changing the growth policy map or master plan map. What happened also was all along the boundaries of the overlay, there was the possibility those boundaries should not be hard and fast, lot specific boundaries. There might be a place where someone came in and said they had a use that was the same as all the other uses and ask for a zone change. He thought they could give them a zone change if they thought it was appropriate without dinging it because the master plan map said it was residential. He liked to pound home the theory the colors on the map did not make it a zoning map. They had to take a look at the whole growth policy and master plan and take that into consideration.

**ROLL CALL TO
ADOPT F.O.F.
(FZD-15-02)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZD-15-02)**

Sirucek made a motion seconded by Schlegel to adopt Staff Report FZD-15-02 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZD-15-02)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Larsen thanked the people in attendance from the Evergreen area for all their efforts on the overlay. He agreed with Schlegel and Stevens in that this was an example of where the Planning Office could work with the public a little instead of the public always seeming to work against the Planning Office and vice a versa. The Evergreen people had put a lot of effort into the project. It was nice to see their Chamber of Commerce going so well.

The board took a 5 minute break.

OLD BUSINESS

None.

7:36 pm

NEW BUSINESS

7:36 pm

1. A discussion regarding the 5-year update cycle of the Flathead County Growth Policy. The last time the Growth Policy was updated, the total time spent on the update was approximately two years, ending with adoption of the current Growth Policy on October 12, 2012. Five years from that date will be October of 2017, and we are now two years prior to that date. In order to ensure adequate time depending on what the Planning Board desires, staff would like to discuss this matter.
2. A discussion regarding the August 24, 2015 agency referral from Montana DNRC regarding the Flathead County Floodplain and Floodway Management Regulations. DNRC stated that Flathead County's regulations "barely meets the state and federal minimum standards" and encouraged Flathead County "to look at adopting the state model within the next year." Staff would like to discuss this agency comment with the Planning Board within the context of the projects listed in the Planning Office's Fiscal Year 2016 Strategic Plan.
3. During the transition of the Whitefish Lake regulations, the Planning Board discussed coming back to the Flathead County Lake and Lakeshore Protection Regulations to review them based on comments and suggestions from members of the former Whitefish Lake Protection Committee. This review is included in the Planning Office's Fiscal Year 2016 Strategic Plan. Staff would like guidance from the Planning Board on the intended scope of this project.

Mussman said the first item regarded the growth policy. He read from Montana Code Annotated (MCA) concerning reviewing and updating growth policies. He reviewed the timeline of the adoption of the current growth policy and the process involved in the update of the policy. He suggested a review would be appropriate to consider at this time. He summarized the reasons why an update was being brought up now. He offered several suggestions of chapters which could be looked at and chapters which could be left alone. The determination could be made that an update did not need to be made at this time. The board could

have a discussion as to if the clock started when the growth policy was adopted or when the lawsuit had been settled. He said he could do a more in depth look at the growth policy and report back to the board at the next meeting if they wished or they could discuss it tonight.

Larsen said they had done an in depth analysis during the last update. Probably the only thing they would have to do was to look at if there were any major economic changes. He did not see the board having to go through all the goals and policies again. The board had spent a lot of time on those on the last update. He proposed Mussman and planning staff take a look at the economics part and see if it was still accurate. He thought they had reviewed the policy when times were going bad, and they might be coming out of it, so the revision should be minor if it was needed.

Mussman agreed. He would look over the economics part of the growth policy and report back to the board next month.

The board and Mussman discussed options for updating the policy, what the last update fixed and what had been done with outreach and meetings for the last update.

Heim and Mussman discussed timelines for the adoption of the growth policy and the court's decision as far as when it was considered adopted. They discussed the pros and cons of the different dates.

The board briefly discussed the previous change to the economics chapter in the last review.

Mussman briefly reviewed the recommendation of the board to adopt the minor revisions to the county floodplain and floodway regulations with the updated FIRM maps which will be in effect in November. Every amendment to the floodplain regulations had to be approved by DNRC as well as FEMA. Even though the county was proposing to adopt appendix A so they could adopt the 36 new FIRM panels, DNRC reviewed the entire language of the regulations and stated the county barely met the minimum requirements for regulations for the state as well as FEMA's national flood insurance policies and regulations. The county could choose to leave the regulations as they were and the next time when they were reviewed possibly not meet the minimum standards. As a floodplain manager, he worried about that. The

state wanted the county to adopt their 2014 regulation model. He explained the improvements over previous models and improvements he would suggest having looked over them. His recommendation was to adopt the state's floodplain regulations so the next time there was a revision, they would not have as much critique from the state concerning the adequacy of the county's floodplain regulations. If the regulations were not found to be adequate, it could put the county's participation in the National Flood Insurance Program in jeopardy. He would not let that happen. He urged the board to look at updating the floodplain and floodway regulations so they were closer to the state's model.

Stevens and Mussman discussed if the county was ok since they met the minimum of the state model. The discussion included the lengthy critique from the state and the option of adopting the model and receiving less critique in the future.

Mussman said there were different types of floodplain regulators he had met. One type was concerned with only what the regulations said and were not on the ground doing floodplain management. Floodplain management meant different things to different people. The county dealt with all different kinds of floodplain hazards and the main focus was continuing their participation in the floodplain insurance program so anybody who was required to or chose to obtain flood insurance could get guaranteed flood insurance and not have to rely on private flood insurance which was not guaranteed. If they put in jeopardy the county's participation in the National Flood Insurance Program then it put into question if anybody, especially people who resided in or near a flood hazard area would be eligible for conventional financing. If they were not eligible for conventional financing and they had a piece of property which was a valuable piece of property but nobody could buy it, what did that do to the value of the property? As much as some members of the community might harshly critique any and all floodplain and floodway regulations, they were very important to this community because of the county's participation in the National Floodplain Insurance Program. Putting that in jeopardy was not something he wanted to do. In his opinion, the regulations between the county and state were not that different. There was different wording between the two. There were some problems he did see with the state's regulations he could take a run at and get the state's comments on the changes and emphasis he felt should be made. He laid out several options for proceeding on

the project. He felt this was important.

The board and Mussman discussed if the state plan pertained to the characteristics of the county, what would be needed to update the regulations and Mussman's interpretation of the state regulations and the county's regulations. They also talked about the reason to update the regulations if they currently met the minimum requirements, if they should wait until the regulations did not meet the minimum requirements, experiences of other counties with a lot of water concerning the state model and the different state models through the years.

Larsen suggested Mussman take a look at the regulations and come up with a plan on how to proceed.

Mussman said there were at least a half a dozen communities which had adopted the state model almost word for word since the model came out in 2014. He gave an example of how Missoula county used the state model as a foundation, personalized the regulations to their county and had received a lot of push back from the state until the regulations were approved. To him, it was important to make sure if someone wanted to develop in a flood hazard area, their lives were not in jeopardy, they developed in such a manner as they can mitigate, as much as possible, flood damage and so that whatever they did in that flood hazard area did not affect other people. Essentially, those were three focuses which needed to be accomplished. He would bring the board what he was proposing to change and they could look at it.

Larsen said Mussman could give the board the changes they could take them home, look over them and discuss it at the next meeting.

Mussman said there could be a lot of word changes but the meaning would be the same. The results were exactly the same. To him, he would advocate the state regulations so when they read the two regulations side by side, there would be little difference.

Mussman address the third item concerning lake and lakeshore regulations and the items on the 2016 work plan for the Planning Office. He brought up the analysis done by the Whitefish Lake and Lakeshore Committee (WLLC) between the Whitefish Lake and Lakeshore Regulations and the Flathead

County Lake and Lakeshore Regulations. Lawson Moorman, the planner in the office who worked the most with the county lakeshore regulations did an analysis of their spreadsheet on a point by point basis. Since other issues were being resolved with the former Whitefish Donut area, the lakeshore regulations could be compared and see what could be updated in the county's version to benefit the entire county.

Heim said he liked the analysis done so far between the differences by both the WLLC and staff. What he liked about the WLLC analysis was the inclusion of sketches which were more user friendly with dock construction, etc.

The board and Mussman discussed the benefit of going through the analysis from both of the entities, what had been done so far and how to proceed.

The board asked Mussman to give them information in a similar manner to the floodplain regulations update. They would take the information home, read it and then discuss it at a later time.

Mussman agreed. There was a little leeway with the timeline on these three items.

Grieve said he had accepted position and this would be his last meeting representing the county. He thanked the board for their positive impact on his professional career.

The board wished Grieve well and thanked him for his service.

ADJOURNMENT The meeting was adjourned at approximately 8:27 pm. on a motion by Sirucek. The next meeting will be held at 6:00 p.m. on November 18, 2015.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 1 / 18 / 15*